

## **REMARKS**

The non-final Office Action mailed April 24, 2008, has been received and reviewed. Claims 1-17 are pending and presently stand rejected. Applicant has amended claims 1, 2, 3 and 12 and amended Fig. 8 of the drawings. As of this Amendment, the claims are believed to be in condition for allowance and Applicant respectfully requests reconsideration of the application as amended herein.

### **Drawings**

The examiner has object to Fig. 8 of the drawings. The applicant has submitted herewith a replacement sheet of drawings that includes figure 8 as amended. This drawing sheet is consistent with the published counterpart PCT application WO 2005/053478. The applicant respectfully submits that the amendment to Fig. 8 is supported by the specification as filed (see paragraph 4 of page 8 of the English translation of the specification). Thus, no new matter has been added.

### **Claim Objections**

The Examiner has objected to Claims 2 and 3 as to the use of the phrase "higher friction coefficient." Claims 2 and 3 have been amended to address the objection by also referring to a "support surface" in the claims. Reconsideration is respectfully requested.

### **35 U.S.C. § 112 Claim Rejections**

Claim 12 has been rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. The applicant has amended claim 12 to recite the terms “receiver” and “transmitter” as expressly set forth in the specification (see page 8, paragraph 4 of the translated specification). In addition, Fig. 8 has been amended to show the second transmitter/receiver unit (45) as set forth in the specification as originally filed. Accordingly, the applicant respectfully submits that claim 12 is fully supported by the specification and drawings. Reconsideration of the rejection is respectfully submitted.

### **35 U.S.C. § 102(b) Anticipation Rejections**

The standard for anticipation as set forth by the Court of Appeals for the Federal Circuit is as follows:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

#### **Anticipation Rejection Based on Montero (FR1015197)**

Claims 1, 2 and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Montero. The applicant has amended claim 1 to recite in part:

and wherein in the closed position, in a region of overlap between the second end region and the first end region, each end region is in parallel to one another and each has a planar configuration that extends over the entire region of overlap.

The applicant submits that Montero fails to teach or suggest the configuration of the first and second end regions as set forth in amended claim 1. The applicant further submits that claims 2 and 13 now depend from an allowable base claim and are therefore also in condition of allowance. Accordingly, the applicant respectfully requests reconsideration of the rejection and allowance of the claims.

### **35 U.S.C. § 103(a) Obviousness Rejections**

M.P.E.P. 706.02(j) sets forth the standard for a Section 103(a) rejection:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

#### **Obviousness Rejection Based on Montero**

The Examiner has rejected Claims 12 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Montero. The applicant respectfully submits that since claims 12 and 14 depend from an allowable base claim, the dependent claims should also be in condition for allowance.

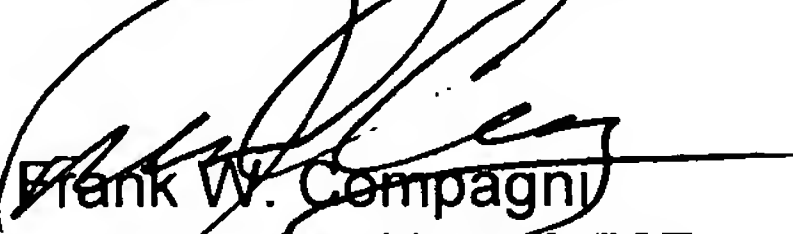
Obviousness Rejection Based on Montero in view of U.S. Patent application  
US002998695 to Cornett

The Examiner has rejected Claims 3-11 and 15-17 under 35 U.S.C. § 103(a) as being unpatentable over Montero in view of Cornett. As noted above, the applicant respectfully submits that since claims 3-11 and 15-17 depend from an allowable base claim, these claims should also be in condition for allowance.

**CONCLUSION**

The Applicant respectfully submits that the application is now in condition for allowance. Any additional fees required by this amendment may be charged to deposit account no. 50-0881.

Respectfully submitted,



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